

LINDA LINGLE
GOVERNOR OF HAWAII

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LAND
STATE PARKS



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

**MINUTES
MAUI/LANA'I ISLAND BURIAL COUNCIL MEETING**

DATE: THURSDAY, APRIL 28, 2005
TIME: 9:00 A.M.
PLACE: COUNTY OF MAUI
PLANNING DEPARTMENT
KAULANA PAKU'I BUILDING 1ST FLOOR
250 S. HIGH STREET
WAILUKU, HI 96793

ATTENDANCE:

Members: Charles Maxwell, Chair
Dana Naone Hall, Vice-Chair
Leslie Kuloloio
Michael Minn
William Waiohu
Clifford Naeole
Glenn Richardson

Absent: William Frampton (excused)
Mei Lee Wong (excused)

Staff: Kawika Farm, Stenographer II
Kana'i Kapeliela, Culture Specialist
Vince Kanemoto, Deputy Attorney General
Melissa Kirkendall, Maui Archaeologist

Guest: Chris Monahan Mike Dega
Kema Kanaka'ole Lisa Rotunno-Hazuka
Kathy Kawelu Dawn Chang
Rory Frampton

I. OPENING REMARKS

The meeting is called to order at 9:23 a.m., a quorum is met, Maxwell acknowledges commissioners Kuloloio, Naeole, Hall, Minn, Waiohu as well as himself and calls on Waiohu to give the *pule wehe*. Maxwell introduced Kawika Farm from DLNR staff and recognizes Vince Kanemoto and Kana'i Kapeliela both of DLNR. Maxwell asked

Michael Minn to introduce his guest Kema Kanaka'ole of Hana who will be replacing Minn as a member of the Island Burial Council once Minn's term ends in June. Maxwell congratulates Kanaka'ole and Hall thanks Kanaka'ole for his early interest in attending the meeting. Maxwell asked if anyone present had a testimony to give on any subject on the agenda, none was offered.

II. APPROVAL OF REVISIONS TO MEETING MINUTES

March 3, 2004

March 25, 2004

April 29, 2004

May 27, 2004

June 24, 2004

July 28, 2004

August 25, 2004

October 28, 2004

December 15, 2004

January 27, 2005

Maxwell noted that Hall made revisions to previous minutes and submitted the revisions to him, for review which he said is very valuable and asked Hall if she had any further questions or comments about the minutes. Hall said while she appreciates the department's alacrity in trying to revise the minutes there are still corrections that need to be made. Hall said for the April 29, 2004 minutes on page 2 she wanted to make a clarifying comment that the discussion of preservation plan for the King Kamehameha III Elementary School has been greatly compressed and does not include all of the council's recommended provisions. Hall said that statement was actually put into the April 29 minutes and what it should be, is stand as a clarifying comment and not as part of the minutes. Hall expressed that the clarifying comment should appear in the minutes for this meeting (04/28/05) as a comment on the April 29, 2004 minutes and that statement incorporated into the April 29 minutes should be deleted.

Hall said in the May 27, 2004 minutes beginning on page 3, the paragraph under item B and onwards, she had asked that the word local be corrected to locales and to make a global correction of locals to locales to locale. Hall said the correction of locales was made but it was spelled as l-o-c-a-l-c-e-s and to just delete the extra e for the correction to be done right.

Hall said in the July 28, 2004 minutes on page 14 the site number, where it reads 208, should read 2028.

Hall said in the January 29, 2005 minutes on page 3, lines 2 and 3 the sentence should be revised and amended to read as follows, (clarification: only drawings of a proposed retaining wall and parking structure, not a written Burial Treatment Plan (BTP), were presented in January 2005).

Hall said the attendance list for the August 25, 2004 minutes needs to be filled in.

Hall moved and Minn second "that the Maui/Lana'i Island Burial council approves the additional revisions to the minutes as discussed."

VOTE: ALL IN FAVOR. The motion carried unanimously.

III. BUSINESS

**A. BURIAL TREATMENT PLAN FOR THE VICTOR CAMPOS PROPERTY,
WAILUKU AHUPUA'A, WAILUKU DISTRICT, ISLAND OF MAUI;
TMK: (2) 3-4-039:076**

Determination/Recommendations: Determination on request for preservation in place for Site 4730, Feature 1; recommendations on burial treatment plan, including treatment of Site 3996 remains.

Mike Dega of SCS Archaeology introduced himself and thanked the council for entertaining the BTP. Dega said he provided council with a couple changes that he handed out, one being the plan view map that shows the location of the remains and two being a few pages that had been edited from his last report. Dega mentioned he had worked with the vice-chair (Hall) on the revisions and thanked her for her help.

Hall asked Dega to discuss the additional language about the existing finger of dune which runs from *mauka* to *makai* or rather from the dune towards Lower Main Street. Hall suggested to have less of the dune cut so additional fill would not be needed and so the original dune could remain there in place. Hall asked Dega to read to the council, from his BTP about midway down page 1 in the second paragraph the language which explained the dunes and the fill. Dega read "in a notched area to the north, to obtain grade, soil fill will be added on top of the existing ground surface in order to reach the preferred elevation" and explained that no cutting of the dune to put in fill would be necessary and that the burial site would be built on top of the dune itself. Hall said a portion of the dune will be cut because there is a portion of the finger that is beyond the wall that will be removed during construction. Hall asked the council to look at the heavy black lines on figure 4 and said in regards to 110 feet elevation, our (council's) discussion has always been that this notched area is a portion of the wall that would be lower because of the presence of the burial. Hall said instead the wall will be constructed at the 110 foot elevation all the way across the property.

(Kirkendall and Richardson arrive at 9:35 a.m.)

Hall asked Dega if the "notched area" was included in the BTP to indicate that fill would be added to which Dega said that is correct and the fill would be added to bring the wall up to grade because the wall itself is only 10 feet uniform elevation across the parcel. Dega said the "notched area" was to give some space for the burials and in that area they're going to have to build up to grade and not to cut into the ground. Maxwell asked Dega if the 110 foot elevation would be continuous across of the entire finger including the front of the burial feature to which Dega answered that is correct. Dega said the wall will be a 100-110 feet and that will be level elevation across of the parcel. Maxwell asked Dega how will the wall be constructed foundation wise and if the wall would run into the dune? Dega answered no, the wall will not run into the dune and said the wall will have 2 feet of footing with the 10 foot wall being constructed on the footing itself, if the wall is at a 100 feet already then no digging is required and if the wall is not at a 100 feet then soil fill would be added to bring the wall up to grade, probably somewhere in the "notched area."

Waiohu asked Dega if he was going to add from the old wall and go up. Both Maxwell and Hall said there's no wall as of yet. Hall said it is an undeveloped dune face and

asked council to look at figure 4 while she attempted to clarify. Hall asked council members if they see the backhoe trench depicted on the illustration, council answered yes and Hall proceeded to say, that trench was basically excavated along and through the middle of the dune where the wall will be. Hall said there's a chance very little fill will need to be added, especially if the remnant itself is kept intact. Hall said there's no point in grading it (remnant) out to bring in fill because that would destabilize the area. Kirkendall said that's true and stated "she doesn't know if the plan is to excavate that out or not." Dega said he (the client) is keeping it (the remnant) intact. Dega said the only place he knows of where fill is needed would be in the backhoe trench itself because it hasn't been backfilled yet.

Maxwell asked Kirkendall after, and if, the council approves this BTP, what could be built and what could be done in front of the constructed wall? Kirkendall said that question should be directed to the county because that is not IBC's jurisdiction in deciding what the property owners can do, and theoretically the property owners could construct anything within county limitations for that parcel. Maxwell asked about the burials and view planes. Dega said there's language in the BTP which reads "any future parcel developments, the MLIBC has the opportunity to comment." Dega said any other developments beyond this retaining wall, the council has the opportunity to comment and make recommendations. Hall said to Dega that she was mistaken because she thought there had been language within the BTP that stated up front and referred to keeping the remnants in place and if no language exists then it should be mentioned. Dega said on page 12 in the first paragraph, about 7 lines down "no excavation would be needed for retaining wall, regardless of adding soil or keeping the remaining dune remnants." Hall said this is not really clear the, if and however part of page 12 and asked Kirkendall to comment. Kirkendall read page 12 "if the present remnant ridge finger occurs at the 100 foot level," Hall interjects and said the finger clearly occurs at the 100 foot level but her thought is that it would be better to state something to the effect of "the remnant dune will be preserved in the notched area." Hall continues to say that the BTP is stating if and although it (page 12) is talking about the 100 feet, even if it (wall) doesn't reach the 100 feet level, there is still the lower elevation of the remnant dune that would not require filling.

Kirkendall says she doesn't understand the intent and in an attempt to clarify asked "so the wall goes through that dune finger," to which Hall says correct. Kirkendall then says "so what you're (Hall) asking is whether or not the area to the road side of that wall can be preserved even with the construction of the wall?" Hall said no, she guesses what was presented was a plan that would allow filling based on information Dega received from the engineer. Hall said the ground surface in the "notched area" is 98 feet and they want to construct the wall at 100 feet. Kirkendall says okay, so they want to fill that two feet on top of the 98 feet to make 100 feet. Hall says correct, but except for where the remnant dune is located because that area is not 98 feet and expressed that she felt a portion of the remnant dune should be preserved in the "notched area" and only filling where it's needed. Kirkendall said she thinks that is what this (page 12) says. Hall said but if we have to puzzle about it that much then we definitely need to clarify. Kirkendall said it could easily be clarified by saying "filling will occur when the dune behind the retaining wall is lower than 100 feet." Hall said and to also recognize that the remnant dune finger is present and should be preserved. Kirkendall said this (page 12) has

nothing or rather isn't discussing anything about the dune finger to the road side of the wall. Hall said right, but a portion of it (dune finger) will be preserved, to which Kirkendall agreed on. Hall just wanted to make it clear that the entire dune finger behind the wall will not be removed. Kirkendall said "let's just say that soil may be added behind the retaining wall but no soil may be removed." Hall said maybe we should say something like "given the presence of the remnant dune finger in the notched area, no soil will be removed behind the wall construction and only fill will be added as necessary." Kirkendall agreed that this helps to clarify things and it removes the uncertainty of the "if" factor. Dega asked for clarification on what side of the wall was being talked about, to which Hall and Kirkendall explained was the *mauka* or the east side of the dune.

Hall wanted to be sure that Dega had the correct language that was suggested and Maxwell asked Dega to read the language. Dega read "no soil will be removed behind the wall during construction and only fill may be added." Hall said to include "given the presence of the remnant finger ridge in the notched area." Dega added Halls statement so that the language read, "given the presence of the remnant finger ridge in the notched area (behind the wall, east of the wall), no soil shall be removed behind the wall during construction and only fill may be added to the area."

Kuloloio said he's not sure if this will help but asked Dega to turn to page 5, figure 5 and said what he sees here is some kind of detailed drawing showing a stone retaining wall listing X amount of height and X amount of this (other details that refers to measurements) that is being incorporated into the figure below about the sub elevation. Kuloloio said from looking at figure 4 & 5, what is missing is some kind of detailed description to be included as part of figure 5, which shows the wall and the construction reality of how much material the engineer plans on removing behind of the wall against the dune.

Hall asked Kuloloio if she could interject and said she thinks the BTP states there will only be a 5 foot wide area of disturbance for the wall construction, which Dega confirmed. Hall said the base of the wall is 4 feet and tapers as it gets to the top. Hall continued to say the wall is widest where the footing will be and what the plan proposes is that only a 5 feet area of disturbance would occur which is about 2.5 feet on either side of the wall. Dega said that is correct but the wall is only 1.3 feet wide.

Kuloloio said he was still unclear about what was being discussed and elaborated on how figure 5 doesn't show the set back of the wall. Kuloloio said "it shows the model, the type of wall, but when you lose the wall down here on the bottom scale. I think I would like to see more of a detailed thing, you know how many feet, because what I'm looking at is any kind of wall, when you're going to dig down to set the footing. This kind of wall the footing is wide, its not the straight type of footing and when looking at the footing already, if you take the bottom corner of both side of the footing, the footing is how much you said (Dega answered two feet)? Two feet okay and two feet is just like this, now when you look at the matting and the square blocks that looks like some type of wire meshing, what is that supposed to signify?" Dega said he can't interpret the engineer's drawings. Kuloloio said there you go to which Dega said he gets all the drawings from the engineer. Kuloloio said he understands where Dega is coming from,

but what caught his attention were all the square drawings on figure 5, he (Kuloloio) thought was reinforced construction rebar. Kuloloio said he is still unsure as to what the square lined illustration represents and asked if it (the squared lines) was meshing or if it was put in there just for the computer's sake.

Dega said the illustration is pretty self explanatory and if you use the text key on the right side of the page, it will help to better understand the drawing. Dega said he doesn't understand the drawing completely but he has a good idea as to how everything flows and would pan out.

Kuloloio asked Dega "you understand when one image is transposed from the top page to represent what it is inside the dune on the bottom of the page, it eliminates everything what you showed on the top page. I (Kuloloio) would like to see what's now looking on the side view that's going against inside the dune itself and all I got is a figure on how the stone is going to be shaped minus everything else." Dega asked Kuloloio if he would like to see this (illustration) in profile? Kuloloio said "I going tell you why this is important, this burial council has work with many times, especially for example on the Wai'ale Road, where we're working with computerization with regards to interest to any protected burials that it must be protected against falling, caving and so forth. It should be more detailed because if at any time there is a collapse of that bank, whether you got the best technology or not, this is where that issue comes back and say oops we got a delta. And a delta means we need to really follow who went more above and beyond the prescribed drawings you gave us. So if the drawings can't be explained clearly, then it needs to be changed because I'm looking for the delta situation." Dega said he thinks these are the actual drawings the engineer submitted to the county to which Kuloloio asked if the drawings had been approved. Dega said he was not sure because that is the engineers business. Dega told Kuloloio these were all the drawings that he has and apologized for not having something more to his satisfaction.

Minn commented on how the drawing on figure 5 is sort of misleading because in the detailed figure it shows the footing going one way and if you transpose the figure down to the bottom, it shows the footing going into the dune and that is where the confusion is occurring. Dega said he understands what Minn is saying and that the figure is actually a plan view shot of the wall that is being transposed into profile. Kuloloio said "the problem that I get council is what it doesn't show here, is another view of looking from the 96-105 feet elevation sideways. We have the top looking down on page 4, figure 4, but on page 5 there needs to be some kind of line to show where the elevation is and the laterals on what it will look like." Minn asked Dega if he was going to be doing the monitoring to which Dega said yes.

Kuloloio said he's not sure on what to do now if what he talked about needed to be corrected or what. Maxwell said of course this needs to be correct and wanted to entertain a motion. Hall said no motion can occur until satisfaction of this BTP is met.

Hall said because of the height of the wall the county may require a structural engineer or architect to approve these plans and whatever county requirements will be applied towards the review of this project will hopefully help to take care some of the issues and concerns that were mentioned like the structural integrity of the wall. Hall asked Dega

to go over some of the pages he submitted for the council's review to make council aware of the new language that has been added. Dega asked what page numbers were given to the council to which Hall replied 9, 10, 15 and 16. Hall wanted the specifics on the treatment of site 4730, feature 1 burials and the collected remains and site 3996 collected remains to be shared.

Dega read "for site 4730 feature 1, the remains will be preserved in place and the disturbed elements of this burial is a hand dug reinterment pit measuring 3' X 2' X 3 feet deep just up slope of the 4730 location. The lower portion of the right leg that was displaced by the backhoe bucket from 4730 will be placed in the reinterment pit and the other remains will be wrapped in *Kapa* and *Lauhala* prior to reinterment. The second bundle containing all the remains from site 3996 will also be placed in the reinterment pit with the location being surveyed in, so there is an accurate depiction on any TMK parcel maps of the area. The pit itself will be covered by 2 feet of sand with a 4 inch concrete cap placed over the top of the pit and 2 feet of sand will cover this concrete cap." Hall reiterated what Dega had just said. Dega continued to read "sand fill shall be placed on the concrete cap to fill the remainder of the pit and to restore the dune slope to its present grade. Photographs of the cap and inscription will be taken as well as photographs showing the geographic location of the cap on the parcel. This will accompany a memo describing the date, method for interment submitted to SHPD Burial Sites Program and Archaeology and the MLIBC."

Hall said to take out the part that says "pit" and replace it with "2 feet of sand fill" and take out that one extraneous sentence because it repeats itself. Dega said pg 10 basically discusses differences for the buffer zones and the distances of these in situ portions of 4730 and the reinterment pit from the wall construction. Hall said the north distance has to do with where the property line is which is 8 feet and that's constrained by the actual property line. Hall said the only place where the buffer relates to the retaining wall is to the west to which Dega said that is correct. Hall asked Dega to give the actual distances to which Dega said the distance from the buffer to the wall is 14 feet and the other two directions are 15 feet on the east and 25 feet on the south. Hall asked if Dega's areal extent were based on these distances to which Dega said correct. Dega said the buffer zones during construction will be demarcated by four corner stakes for visibility, orange construction fence will be laid down horizontally to cover the entire surface of the buffer zone for the purpose of being able to see the buffer zone from any angle. Hall expressed her concerns about the many posts that need to be present in order to attach the fencing and the possible encroachment of the burials and the need to minimize the intrusion into the dune surface.

Dega said on page 15 he and Hall discussed a few bullet points which talks about the buffer zones and how the verticals and horizontals are going to be done, buffering with the fences and how no infrastructure and utility lines will ever be allowed within the preservation area. Dega said a surveyor will be obtained to do the metes and bounds description for this BTP, which will also be the same documents submitted to the Bureau of Conveyances. Dega said there is language that mentions if the current landowner transfers, leases or sells the property that this is binding to all owners, lessees and anyone else that may obtain this property. Maxwell asked if this language would be encumbered on the deed to which Dega answered that is correct.

Hall wanted to make sure all revision that were discussed between she and Dega were incorporated into the BTP and to save time, Hall asked council if it was alright if she reviewed the plan and discussed changes with Kana'i Kapeliela. Council obliged. Hall asked Dega to reread the language on site 4730, feature 1 that says "given the presence of the remnant finger" and to modify that language so it says "given the presence of the remnant finger of sand ridge in the notched area." Dega read "given the presence of the remnant finger of sand ridge in the notched area, no soil is to be removed behind of wall construction to the east or up slope and only fill may be added for wall construction in this area in the hope of preserving the back wall dune remnant.....

(Tape 1 Side B)

Hall said it's actually not a remnant once you get to the back portion, that's a host in order to preserve the dune slope. Hall said this item is listed under determination for preservation in place for site 4730, feature 1

Hall moved and Wai'ohu second "that the Maui/Lana'i Island Burial Council determines that site 4730 feature 1 burial, shall be preserved in place because this burial is located in an area where there are concentration of skeletal remains and burial sites and that this burial is also located within a context of historic properties because this area is known for having both habitation sites as well as burials."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hall asked to make a second motion and moved "that based on the review of the council and having the vice-chair confirm the proposed revisions to Burial Treatment Plan have been properly made, the Maui/Lana'i Island Burial Council recommends to DLNR-SHPD approval of the burial treatment plan for the Victor Campos property TMK: 3-4-39:76." The motion is second by Wai'ohu.

Discussion: Maxwell asked if this motion covers the question brought up by Kuloloio. Hall said one of the issues is that the county has to review the plan first because it's the county that has the authority to determine whether or not construction is adequate in this area and it's really not within DLNR's jurisdiction to...Maxwell interjects and says he understands but Kuloloio brought up questions about the different views and wanted to know if that was going to be addressed. Kuloloio wanted to clarify and said "I think what I'm asking is, you see where it says 96.00 elevation is on figure 4, you know the elevation near the road, as I'm going this way, will that 96 come straight across going into the sand dune on that level to the 100 or 110?" Dega answered that's the 110 for the top of the wall. Kuloloio said "okay 110 for the top of the wall but when I'm going straight into the dune this way at 96, 96 up to the 110 is 14 feet so anything besides all that *lepo* going open, all that sand dune going open and going be flat. I going come by the barrel, the picture two and going be all flat, all this island here has to come out. You see this island here, the finger, the middle of the dune, all this has to come out. What I don't see and perhaps the other members can tell me is will the 94 and 96 elevation go

against the wall and take out all that *lepo* or the sand dune is going to be there, because if it's going to stay there, you need to show us." Maxwell said he needs to move this along because Hall's motion will encompass this to your (Kuloloio) satisfaction before it is finally approved by the county. Hall said she thinks Kuloloio was told in the past that some of the sand from that remnant dune finger will be used to even out the grade on the property.

VOTE: ALL IN FAVOR. The motion carried unanimously

Maxwell said he wanted the record to show that a half and hour ago Dr. Melissa Kirkendall and IBC commissioner Glenn Richardson of Lana'i arrived.

**B. DRAFT BURIAL TREATMENT PLAN FOR SITES 50-50-17-5627 & -5628, IN HĀ'Ō'Ū AHUPUA'A, HĀNA DISTRICT, ISLNAD OF MAUI;
TMK: (2) 1-5-004:005**

Information/Recommendations: Discussion of draft burial treatment plan.

Chris Monahan of SCS Archaeology identified himself and said at the last burial council meeting he introduced the first draft of his BTP which proposed to preserve in place two possible historic burials on this property in Hāna and based on council's recommendations and comments, some changes were made, mostly changes from the vice-chair. Monahan said in addition to the revised version of the BTP with the changes, he also sent some courtesy copies of the inventory survey to the council. Monahan said he is also happy that one of the two gentlemen who live in the area is here today and his name is Kema Kanaka'ole. Monahan mentioned that he found a typo in the revised copies of his BTP which is on page 16; figure 7 on the bottom of the page, the caption should read "northeast" not "northwest." Monahan said he was asked to delete a few words such as ephemeral and ubiquity and to make some other small changes like adding feet and inches as well as meters. Monahan said there were two major changes he was asked to make. One was to change the shape of the preservation zone from two little circles to one continuous rectangle which can be viewed on page 15. The second major change Monahan was asked to make was the language for the specific burial treatment and preservation with some of the bullet points that starts on page 22. Some language which talked about having the BTP properly submitted to the Bureau of Conveyance.

Maxwell asked commissioners if they had any questions or comments pertaining to the draft report submitted by Monahan. Hall asked if the pig burial was mentioned to which Monahan said not in the BTP only in the inventory survey. Hall said according to what Monahan had written in the inventory survey she believes that the pig burial isn't connected in time to the enclosure above it and that the pig burial pre-dated the enclosure and that it was an articulated pig burial, to which Monahan said that is correct. Hall asked if most of the pig burial was intact. Monahan said he made sure that all of the pig burial stayed in the ground and nothing was removed. Hall said that's excellent and asked council members to look at page 15, figure 5 and said the rectangles that surround the possible burial sites, where there's a red dot with an arrow and TU 6 that is the test unit in which the pig burial was located. Hall said if the pig

burial had a ceremonial purpose which it likely did have, this pig burial will be included in the permanent preservation area as well.

Hall asked if the property owners are planning to disassemble or not preserve any of the enclosure, or specifically the little small squared area in the corner of the enclosure where TU 6 was excavated and wanted to know if there is any possibility that the property owners will at least preserve that area. Monahan said absolutely and that he had spoken with the gentlemen who owns the property and expressed how the property owner wants to leave everything that he can and not take anything down. Monahan said where the pig burial is, is probably the most intact of any of the historic habitation and said he could probably get the property owners to enlarge the preservation area to incorporate the burial. Hall said that would be greatly appreciated and a slight adjustment of the language on the preservation area is needed, so it would note that one structure would be part of a historic site enclosure.

Minn asked if there was only one test unit dug in the middle of the enclosure or this site here. Monahan said yes, only one was dug in the middle and that the last time he was here (IBC meeting) Maxwell asked questions about how minimal the testing had been in other areas and the possibility of having other burials present. Monahan said after thinking about the questions asked by Maxwell, what he should have said at the last meeting was when the test units started to be dug, basically what was found was that there was only about 18 inches of soil before you started to hit decomposing bedrocks and rocks. Monahan said with this in mind he would assume that the only way to bury people would be to place a surface covering of stones because there is just too much rocky soil. Monahan said this pattern was observed in TU 7 and other test units and it appeared to be consistent no matter where you went on the parcel. Monahan said and because of this there is a very slim possibility there would not be anything marked on the subsurface (in reference to burials). Minn said he just asked because given the area that is being preserved, it looks like the only place that can be preserved “is right there smack dab in the middle.”

Monahan said the walls that go out towards the front are barely visible, that it's just tiny little rocks that are there on the surface, but he's positive that maybe 200 years ago they were probably big rocks. Maxwell asked if there was ever any determination on what those walls were used for? Monahan said he wasn't sure and can only speculate on what the walls were used for, but it looks like the walls were used for enclosures, or typical type of house walls used to keep animals from going over the *pali*. Minn asked in feature 6, what is the distance from the wall, the habitation enclosure to the edge of the *Pali*? Monahan answered towards the northern end of the property the distance is about 15 feet and towards the southern end the distance is around 100-150 feet due to the shape of the coastline. Minn asked if the property slopes downward to which Monahan answered very moderately, for the most part the area is relatively flat.

Maxwell asked because these (burials) are previously identified, are we (council) going to get a chance to make recommendations on what type of building plans this parcel will have? Minn said that is a good question and added that council should know what type of buildings this parcel will have because the burials are right there and especially now because no testing was done in front of this wall and “now in Hāna they're talking about

not letting any cesspools go and it's going to be leach field and septic systems and this is right next to the ocean." Monahan said he's not sure if this would help but a recommendation was made to which the clients agreed to 100 percent monitoring from start to finish and in order to get that plan from the state, we would need specific plans on what they're (clients) going to do. Monahan said that now days you can't write general type plans, that plans now days has to be really specific in terms of what you're going to do, how deep it's going to be and where is it going to be. Monahan mentioned that both Minn's and Maxwell's concerns could be addressed within these plans. Hall said council can't move and make a determination until construction plans become available and also added that this is the whole point of making sure that the BTP council does approve contains sufficient measures that would prevent any harm to the burials. Minn wanted to note that this plan identifies a small complex of burials on this parcel but it could also encompass a much larger complex of burials on the surrounding property and possibly into the next district. Maxwell reminded Monahan that council will need information about what will be done on this parcel with respect to building plans. Hall said council can make a recommendation that when SHPD does receive the building permit plans for this parcel, consultation with the IBC should occur.

Maxwell asked Kema Kanaka'ole if he had any comments. Kanaka'ole said he and his family live directly across the street of Hāna Highway and that TMK: 1-5-4:006 has a break in the wall in the corner of this property where a gate is maintained by him and his family. Kanaka'ole said this gate is where he and his family obtain access to the beach or *makai* as well as to a family gravesite located at the point just outside of the boundary line of the Foley's property. The gravesite on the point is family to Kanaka'ole's wife and his primary concern is being able to have continued access to the gravesite, but he is unsure if it would be better for him to address this question to the property owners themselves. Kanaka'ole in referring to a map said "our access towards the grave and the ocean is directly right along side this pink wall and through the gate along this pink wall and down towards the ocean and we walk there daily." Maxwell interjects and told Monahan that he has to note all this in his report because the council does have jurisdiction on permitting access to graves. Kanaka'ole acknowledged Maxwell's statement and said he, his wife and his kids go to the grave to monitor it, but with the discovery of the two graves on the Foley's property, it makes him wonder if those burials are also family to his wife.

Hall suggested to Kanaka'ole if he wanted to, he could submit a request to SHPD to be recognized as a cultural and even lineal descendent because he lives in the area and has family buried in the area. Hall said from what Monahan is saying, it would appear that the property owners (Foleys) would be amendable to allowing continued access to the gravesites. Hall suggested to Kanaka'ole that he follow through with a request to be recognized as a cultural and lineal descendent of the area and to write a specific letter to the planning department giving the TMK and talk about how you feel you have PASH rights and access rights. Hall also mentioned this needs to be done before the planning department issues building permits so that they are aware of what the situation is and who may affected.

Kanaka'ole talked about how he and his family maintains the closed gate, but allows people of the area access to the beach. Kanaka'ole also expressed how the area used

to be trashed because when they used to leave the gate open, all kinds of people would drive down and the area sort of turned into a tourist stop with people having picnics, taking pictures and just doing whatever. Kanaka'ole said because of the high amount of traffic by tourists, that is why the gate was closed to eliminate tourist traffic and only allow local traffic access to the area for fishing or diving.

Waiohu asked Kanaka'ole who really owns this parcel because if you trace the history of the land, he (Wai'ohu) doesn't understand how someone who is leasing the land, can end up owning the land. Kanaka'ole responded by saying "yeah there's a lot of controversy in that area and our neighbors are family also, they are the Kupau family and we are all from that ahupua'a, but like you were saying, I don't know how someone can lease the land and then own it." Waiohu reiterated on how he's still confused on the concept of plantation owner's who leased land in the past think they own the land today. Kanaka'ole said "a lot of our family get confused too because, when they go down the beach, get one haole man saying, what you guys doing on my land. And people just flip out because, we're like wow, what you mean your land, we've been walking through this land to get to the ocean our icebox all this time, we don't know where you came from."

Waiohu said going back to page six, it talks about heiaus and how these heiaus are destroyed. Waiohu said humans didn't destroy the heiaus, cattle did. Kanaka'ole asked Waiohu to look at pictures of TU 7 and said half of the wall was taken away so that the land owners could build a nice stone wall around their property which is desecration. Maxwell reminded Kanaka'ole to do exactly what Hall had suggested, to draft a letter to the planning commission giving the TMK and PASH rights and to also contact Kana'i Kapeliela about submitting a request to be recognized as a cultural and lineal descendent of the area.

Monahan asked council if they had any other questions or comments. Hall said at the last meeting she had asked that photographs of the site showing the surface features be included in the BTP and that the two photographs that were included do not show the platforms. Monahan said he had thought Hall had asked for photographs which showed the distance from the platform to the ocean and from the ocean to the platform. Monahan said he has pictures of the platform itself but that's not what he thought he had been asked to provide. Hall said to provide both, the geographic context of the platform location which had been provided, but doesn't really show a good view of the platform looking at the ocean and vice versa and to also include photographs of the actual platform itself. Hall wanted a photograph of the actual platform which shows the platforms are between 2-3 courses high and site 5627 is about 10 inches high and 5628 is about 12-14 inches high.

Hall asked Monahan if he had any photographs that showed the cliff face and the shoreline, to which Monahan said yes and was asked by Hall to include those photographs in the BTP as well. Hall said in fairly short order what we're looking at on page 16 figure 6 and 7 are not going to be the same once the house is put up. Hall said on page 21 in the fourth paragraph, where it reads "should more than adequately replace," to delete "should more than adequately" and put "will" so that the sentence reads "will replace." Hall said if we look at figure 5, where is the driveway going to be? Monahan said the driveway is going to come in where Hāna Highway is written and

parallel with what is being called feature 7, the green wall and then turn towards the north and wrap around.

Kanaka'ole said the proposed path for the property owner's driveway will run directly into his and his family's access route which they take to get to the gravesite and the beach. Kanaka'ole requested that language be included to clarify the matter of if he and his family will have access to the area and to clarify who will have the right of way to that area. Monahan said he thinks that access to the area should be shared if everyone can come to some type of agreement. Hall asked if the proposal was to keep the driveway in it's current alignment to which Monahan said yes because that is the only way the land owners can enter the property. Maxwell said if it's going to be a gated driveway then access has to be permitted. Monahan said the only part that will be gated is right near the highway. Maxwell asked Kanaka'ole how would a gated driveway affect him. Kanaka'ole said the gate shouldn't pose a problem but if it's near where the driveway curves onto the path where we access the area than that part of the driveway needs to be open and also mentioned something could definitely be worked out between him and the property owners.

Kanaka'ole said but then again if they (property owners) going build, then that's going to be right in the way. Maxwell said and that is why we're waiting for the building permits because we (IBC) have to guarantee access to the burials. Minn said to make sure you (Kanaka'ole) you keep in contact with the archaeologist and the land owners to work out this issue. Kanaka'ole made a reference to another TMK: 1-5-04:03, and said a guy named Hamilton put a fence there on the property but left an opening so fishermen could walk through that area. Maxwell said perhaps this could be a good example for Mr. Foley to follow.

Hall said some access provisions recognizing cultural descendents will need to be included before council can approve Monahan's BTP. Hall suggested Monahan speak with Kanaka'ole and work out a solution that would incorporate appropriate language permitting lineal and or cultural descendents access to the gravesite area. Hall also said a follow up with the planning department must occur where they would recognize Kanaka'ole and other families' access rights to the property.

Hall said on page 21 where it states "the two possible burial sites will permanently be protected by a single rectangular shaped buffer zone," to have it called a preservation buffer zone. Hall said on page 22 the third line in second bullet point on the page where it says landscaping, Hall suggested it read "landscaping with grass or shallow rooted, preferably native plants may, occur within the permanent buffer zone." Hall asked if the landscaping of grass would preclude the use of a mower and wanted council's thoughts on the subject.

Kuloloio said the main thing he sees, is possible disturbance and who's going to be monitoring this disturbance. Hall said there are Hāna families that still traverse that property so there will be people there and if the property ends up being grass then it might not be practical to do a hand mower. Monahan suggested to just take the grass out, but Hall said this is a big area for ground cover and if you end up having the ground

cover, a pathway to the platform would need to be present. Hall said she doesn't have any problem with grass.

Hall said in the third bullet point to change the word "will" to "shall" so it reads "long-term preservation shall ensure the integrity." Hall said because burial site 5628 has three trees growing literally on and through the site, in the fifth bullet point where it reads "all trees and under story brush within the preservation area shall be removed using hand clearing techniques," and goes on to say round up can be used to treat roots and cut surfaces. Hall continues to read "any clearing of trees and other vegetation shall not lead to disturbance of the two possible burial sites," and said the only problem she has with this is if the trees are big enough so that you use equipment to remove these trees, not necessarily uprooting, but even cutting the trees at their base, could lead to some disturbance of the burial sites. Hall said maybe it would reasonable to include a sentence before the last sentence in this bullet point to say, "if machinery is required to remove the trees, this work shall be monitored by an archaeologist." Hall said the main point is insure all activities are properly monitored. Hall said the second to the last point on that page in the in third to the last line where it says "staff of the MLIBC" to change it to "DLNR-SHPD." Hall said on page 23 to change the last bullet point so it reads "authorized by the SHPD in consultation with the MLIBC." Hall had one more comment and said to Monahan when you have the buffer zones adjusted because of the agreement to preserve that portion of the enclosure, could you indicate in the plan the areal extent of the permanent preservation area? Monahan said yes.

**C. SANDWICH ISLES COMMUNICATIONS, INC. FIBEROPTIC CABLE
INSTALLATION PROJECT, ISLAND OF MAUI**

Information/Recommendations: Status update, Section 106 consultation.

Mike Dega addressed the council and said "Dawn Chang asked if council could wait 1 minute while she moved her car and that council please not skip her place on the agenda." With this in mind Maxwell called a two minute recess at 10:55 a.m.

Chair calls the meeting back to order at 10:58 a.m.

(Tape 2 Side A)

Dawn Chang a representative of Sandwich Isles Communications identifies herself and said "I'm here to discuss continued consultation on a Sandwich Isles Communication project in reference to the use of plowing. You (council) have many concerns and as a result, I took those concerns back to the client and talked with Lisa Rotunno-Hazuka about that. I wanted to come back today to further discuss and provide more information for you on the plowing methodology." Chang asked council to look at the handout she had given and said the first number A is an overview of the route which is really only talking about Pu'unene to Kula. Chang said many months ago she came before the council to request areas to be bored which were located under culverts and streams, and indicated that these plans has already been approved by the state and the county. Chang said in light of the plowing equipment she wanted to come back and further discuss this issue.

Chang identified the Pu'unene to Kula route which is the dark red lines on the handout and gave an overview of where the plowing would start and finish. Chang said the route starts at Waiko Road and Ku'ihelani Highway. Chang said the route continues along Ku'ihelani Highway takes a right onto Pu'unene Highway then the route turns left onto Hansen Road exits onto a small portion of Hāna Highway, taking a right and going up Haleakala Highway which connects to Kula Highway, ending above Waiohuli.

Chang said on the second page which is B1, was taken out of the archaeological assessment that was done for the Sandwich Isles project. She said the assessment basically identifies the sensitivity rating for the Pu'unene to Kula route. Chang said "the area in yellow is the portion of the road that is being proposed to plow which is defined as having a moderate sensitivity rating. Above the yellow line is rated high sensitivity and according to Hazuka who did the archaeological assessment said the area of high sensitivity is located right in front of the Dowling property where the Chinese graves were found. B2 further describes the sensitivity ratings. With respect to the moderate sensitivity, its usually areas with segments of no previous archaeological information, segments with no surface remains or with soil disposition and large scale agriculture cultivation areas such as cane and pineapple fields."

Maxwell interrupts and said the bridge by Waiakoa must be treated as high possibility for having burials and other historical artifacts. Chang said we are going to trench the whole area due to the concerns council had mentioned at the last meeting. Hall asked about how much of this route from Pu'unene to Kula are you (Sandwich Isles) proposing to plow? Chang said about 20 miles and if you look at pages C1 and C2, those pages show the actual route we are proposing to plow, but that we (Sandwich Isles) are probably only going to plow 8 miles. Chang said "let me walk you exactly through that, if you look at what has been identified as C1 and C2 and you take the photographs from the following several pages, it will correspond with the map and I can show you where we're going. So if we begin the route at Waiko and Ku'ihelani, we are going to trench that entire area. We are proposing to plow what's at the beginning and along Hansen road. If you look at photos 1 and 2, photo 1 is a picture of the mail office and photo 2 is actually where we'd begin plowing or where we're proposing to plow. If you look on the map, the numbers on the map corresponds with the numbers of the photos." Maxwell asked where are the photos to which Chang said are the last four pages of the handout. Chang said "we are going past the post office, past the mill and past the mail office. On the *makai* side, the Kahului side of the road, there's still plantation camps and its probably a very sensitive area, so we are going try and start after that. We are going to try and remain on the *mauka* side of the road which is always on the right side of the road. Photo 2 again is where we'd like to begin plowing. Photo 3 continues along Hansen Road and that's where photos 4 and 5 are (shots of Hansen Road). Photo 5 is at the corner of Hansen Road and Hāna Highway. As you exit Hansen Road and go onto Hāna Highway, there is a triangular piece of property and an empty lot, that's where photo 5 is. Your going to continue along the Kula side of the road, you follow on the highway and photo 5 and 6 are of Hāna highway. Photo 7 is the beginning of Haleakala Highway, as you're going *mauka*, the fiber optic route being proposed is on the Kula side of the road. Photo 8 is a picture of Hāna Highway and sort gives you an idea of what kind of conditions are up there. Photo 9 is in the (inaudible) area on the highway. They (Sandwich Isles) are proposing to stay right along the right of way which would probably be right along the grassy area. Photo 10 is a picture of Haleakala Highway and right above that is the cut off to old Haleakala Highway. We're going to continue up along

Haleakala Highway. Photos 11 and 12 will be the end of the plowing, which is below Makani Road and about 3600 feet above the Old Haleakala cut off from Haleakala Highway.”

Chang said this is the proposal and the rest of the route will principally be trenched. Minn said but except for the part that will be bored right. Chang said that is correct and we are minimizing boring to just to culverts, streams and those areas. Maxwell said there’s a deep gulch in Waiakoa, and Kaluapulani and other gulches, are you planning to bore all that area? Chang said it usually culverts where there are ditches, that will be bored and if the area can be trenched then that’s what they’ll do. Maxwell wanted to know how areas that have bridges would be handled. Chang said they would “attach” to the bridges.

Chang addressed council and said the last time she was here, council’s main concern was that you couldn’t see when the plowing was done and that council wanted test pits to be done. Maxwell asked if it will happen (plowing), to which Chang answered yes and informed council that Lisa Rotunno-Hazuka would takeover and cover the subject of test pits. Hazuka said test pits would be done along the route with the pit depth at four feet because that is the length of the plowing blade. Hall asked how far apart from one another the test pits would be. Hazuka said she wasn’t sure and that she would go out to the area to determine how many pits would be needed. Hazuka said you could say every 100 feet but she didn’t feel that would always be necessary. Hazuka said 2-3 days of trenching is being planned and with a backhoe, usually about 20 small trenches can be dug in a day. Hazuka said if when doing the trenching, something unusual is found, trenching would stop and council members would be contacted to come out to the site to comment and give recommendations. Hazuka said if they hit sand or silt that has cultural layers, then that area would be deemed sensitive.

Chang wanted to make it very clear to council that, she (Chang) nor Hazuka are proposing or suggesting to plow in an area with sand. Chang said plowing will only be done in proposed areas where the archaeologist feels very confident the likeliness of discovering burials is very low and that plowing would be done primarily in dirt based areas. Chang said two burial council members would be invited to insure no violations occur and in the past it was usually Hall, Maxwell or Kuloloio that came out to observe the trenching. Chang said a monitoring plan would be done and since the client is willing to do pre-test pits, we would spend 2-3 days doing trenching and pits with Hazuka and a backhoe operator and two IBC members would be invited out the site to see what is going on. Chang said if council has no objections then scheduling would need to be done to insure we (Sandwich Isles) stay within the approved quarters by having surveyors come out to the site and state the proposed areas to be plowed. Chang said hopefully the surveyors will be able to come out within a week to identify the proposed quarters so that Hazuka could go out and then do the test pits. Chang said test pits will remain open until someone from IBC or Kirkendall has looked at them. Chang said once this occurs she would update council on the status of Sandwich Isles project at the next council meeting. Chang said Sandwich Isles would like to begin construction but basically needs to get no objections from council first. Chang said if this protocol is acceptable, she would go back to the clients and hopefully have the surveyors go out sometime in early May to identify the approved quarters. Chang said once this is done we (Chang and Hazuka) would coordinate with members of IBC in the second or third week of May to observe trenching and report any discoveries at the next burial council meeting at the end of the month.

Minn asked how close is the allowable zone from the highway to the pavement. Chang said we are trying to stay off the pavement but would probably be very close to it because should they (Sandwich Isles) open up part of the pavement, the county requires that they repave the entire lane. Chang said in areas where plowing is not possible then trenching will be done.

Maxwell asked Hazuka if she said the test pits would be 100 feet away from each other. Hazuka said no but we could look at the 8 miles (of proposed plowing) and divide 60 test pits into the 8 miles and space the pits apart, but it would be better to go out to the site and walk the proposed route to determine the distances of each pit. Hazuka said this is better because in some areas maybe 3 pits need to be closer together to get a better idea of what's in the area and in other areas maybe there's enough soil exposed so that pits could be placed further apart. Hazuka said she does not have an exact number or distance that would be systematic in spacing of the test pits. Maxwell said he asked the distance of the test pits because council has had incidences where burials were found in previously plowed and farmed areas and suggested if the plowing route goes through one of these areas that more test pits be done, rather than less. Maxwell said he really likes pits and trenching but feels very uncomfortable because there is no definite distance of one pit from another. Maxwell said "you could dig here and dig there and right in the middle there could be a burial, everyone knows that. This is the kind of concern I have."

Hazuka said that is a valid concern and the alternative would be to just trench the area. Chang said if when Hazuka or any of the council members are out there (at the plowing route), if more test pits are needed than more test pits will be done. Chang said Hazuka will do as many test pits as necessary to insure that if we are in a sandy soil area, that we make the transition out of it. Maxwell asked if the intent is basically to have Hazuka trench in areas that have the possibility of being highly sensitive. Chang said that's the idea behind of doing test pits and if the archaeologist comes back and says "you know, this is really highly sensitive area. There's a plantation camp and there looks like there could be evidence of potential burials here." Chang said we will not plow that area, we will trench it. Maxwell expressed how if plowing is allowed, there's a chance on not knowing if burials are being disturbed. Chang said that's correct but that is a risk that comes with plowing. Chang said she is trying to minimize the potential disturbance by doing test pits and maximize visibility and the plow will go no deeper than four feet. Chang said IBC members will be out there during plowing and if any member feels like more pits are needed than that would be worked out with Hazuka and more pits would be done. Chang said if we have to do more than three days (of trenching) then we will do more than three days. Chang said even if Hazuka is going up Haleakala and feels that the area is not what she originally perceived it to be, she (Hazuka) would recommend that they just trench it. Chang said this recommendation would go back to the clients and from what she understands from the client is that in an area where it is too sensitive then no plowing or boring would take place, trenching would be done.

Chang said "while we would like to explore using this new technology, we understand what your (council) concerns are and we're trying to address these concerns. But if at the end of the day if it's not going to work, then we will go through the traditional method of just trenching the route." Maxwell asked council if they had questions or comments.

Hazuka had a question for Kirkendall and said "if you recall we did have a person who lived up country where a section of Haleakala was already improved with the addition of new lanes and

other improvements and no monitoring was there or required. Do you know if they are going to continue making improvements up Haleakala Highway or do anything to that affect?" Kirkendall said she doesn't know and has not seen any plans to that affect. Hazuka said if you remember we had improvements that passed one of the sugar cane major intersections and they improved Haleakala Highway up to a certain point. Maxwell said right below Pukalani where he lives there's going to be a major subdivision right there in the area at the triangle intersection, where Old Haleakala and Haleakala Highway meet, that area will need to be redone.

Chang asked Kirkendall if she is aware of any burials that have been found in the area. Kirkendall said "the concern is not only with burials and this needs to be known and made clear. And I think I made it clear for a position from SHPD at the last MLIBC meeting that it's not so much that we want monitoring everywhere or that we would recommend monitoring everywhere. Whether or not its been monitored before if in the future we determine that it should be monitored the question is, even if a monitor is not at a site, somebody else other than an archaeologist may spot something unusual and I would get a call at that point to come out to the site. It appears from the pictures that some of the trenching that will be done is on road fill from the construction of Haleakala Highway and I think Hazuka's trenching will identify those areas. And when we can see to the depth of 4 feet and we are clearly looking at fill, at that point SHPD may feel comfortable with utilizing that technology. However there are areas along Hansen road which is not constructed on 4 feet of fill and I am concerned about these areas. Whether or not Hazuka's trenching which I appreciate is being done identifies anything during that section or even if it doesn't, the problem still remains that there won't be a chance to see anything with or without a monitor. My concern again stands as it did at the last meeting, that unless we're in an area that's clearly all fill, I'm still not comfortable with the plowing technology.

Chang asked Kirkendall if it is SHPD's position that you not allow plowing. Kirkendall said she would certainly not want it (plowing) and would prefer trenching whether a monitor is needed or not because even with the absence of a monitor, someone else may see something that is unusual. Hazuka said but they don't always know what they're looking for. Kirkendall said no they don't, but if it's a bottle dump they do because I do get calls, or if it's remnant of a plantation area they do because I do get the calls. Kirkendall said "in situations like these they do stop and while we may not always require monitoring, it allows us the opportunity to see. But with the pre-testing that certainly gives us a better window and an opportunity to see the areas that are opened up, but we will never see those areas that are in between should we agree to the use of this technology."

Chang asked Kirkendall if she had any objections to proceeding forth on the test pits and if they need to do more, than more test pits will be done. Chang said the concern from the developer's standpoint is that they (developers) oversee the new technology and that this is an opportunity to develop some protocols on using this new technology because the bottom line is that this technology will be used. Chang said this is a chance to address some of the archaeological and cultural concerns and that there are other developers who don't come before council with the technology, they just come before council with the route and how they're going to do it. Kirkendall said "I'm sure that's true, but fortunately I became very aware of the plowing technology because of your presentation at the last meeting. And now days we are aware of it (use of new technology like plowing) and we have written a letter indicating that

we don't want plowing technology utilized. So once we are aware of the technology and there is always a learning curve, but once we are aware of the technology we may state in our documentation or review of a project that we don't want this particular method utilized. I am open and I don't want to close the doors and I certainly would like to develop a protocol, for example if there's going to be pre-testing there needs to be a precise plan for recordation as well as for reporting to us, which will hold you guys up slightly because there needs to be constant communication if we're going to explore this option." Kirkendall said her comfort level remains in fill which is not from a burial perspective but an archaeological perspective, from the ability to identify anything subsurface.

Chang asked what kind of coordination would you (Kirkendall) need to have with the archaeologist. Kirkendall said she and Hazuka could probably discuss a method by which they could communicate and that she (Kirkendall) hopes council would provide advice or input as how they should facilitate this. Kirkendall said if Hazuka is going to be testing for two weeks in May, she would like to free up her schedule as much as possible to be able to be on the ground enough to build her comfort level. Kirkendall said she is uncomfortable with something she cannot see and that is the scientist part about her, that if she can see it, then her comfort level becomes a little stronger. Kirkendall said she would like to see the trenching but it does appear from the illustration that a major portion along Haleakala Highway may fall within a filled region.

Hall said she thinks council is in agreement with Kirkendall and that Kirkendall's comments were helpful and that everyone would probably feel a lot more comfortable if the plowing was done in "filled" areas. Maxwell said because he's been around for 68 years, he's watched that highway, from the old highway to this new highway and knows this is a lot of fill. Maxwell said he would feel comfortable in fill like Kirkendall. Hall said and where we're still not clear, it would still be useful to have the stratigraphy and be able to make further comments based on what the trenching reveals. Hall said she understands what Kirkendall is saying about having some type of written plan even if we're not going to be establishing a formulaic distance for the entire route, have it (protocol) clearly stated what the rationale is for the trenching, how will it work and how the consultation will work. Hazuka said like an inventory survey plan, but she doesn't want to be stuck with an inventory survey plan. Kirkendall said right, but we could probably establish some form of informal reporting schedule because we are exploring new grounds. Hall elaborated on what Kirkendall was saying and said this is just not something that falls neatly into any of the categories and it is just now under the rules. Hall said this effort is being made in order to access whether or not this technology can be used and if so where can it be accommodated because this is an informational exploration.

Maxwell said what is important here is that we're setting precedence for the future knowing this will probably be the new technology and so we have to be extra careful. Hazuka said yeah like boring we've tried to set up protocols and now we have another piece of equipment to consider. Kuloloio said "I kind of trying to redress and think about what is the burial council's way of implementing new ideas on any island with new technology. I look at the cases and think who does this program come under and I think we come under the State o Hawaii. And I think that this route that has been proposed by Sandwich Isles or whoever the archaeologist is that will be going up this pathway of modern technology, I think what I see in this corridor is a brand new game. It has nothing to do with high, medium or low, it's completely a brand new corridor and I look at it as I'm a professional driller in the past. My job was always to drill in the

past for core testing, so unless we discussing fields concerning roadways or patterns, that's a geologist job. I want to set this clear, in order for us to follow some sort of guidelines, I see two things that has to be a part of this, a geological survey study to have appropriate matrixes an appropriate amount of core testing like what is done for water and an appropriate spacing. This is all because in archaeology it's a guessing game, but in geology you have to give back the number of holes you punch into the '*aina* so that they can give some type of patterns of the stratigraphy of the land. So I get mixed up sometime when archaeologist try to deal with fill material which is borderline of what a geologist would do. If you're going for fill, I'd rather go with a geologist sampling because a geologist sampling gives me an 8 foot core barrel testing of the depth of the area. In other words it gives me an inch by inch of a documented registered review of how the '*aina* looks like straight down. I'm not downing the archaeologist but I want to support the geologist too."

Hall said the context of work that Kuloloio has been involved with, has been pretty clear when fill was involved. Hall said part of archaeology and part of the requirement under the archaeological rules is that soil stratigraphy be mapped and be presented to DLNR, so while an archaeologist may not have as much expertise as a geologist, they must at least have expertise to be able to recognize the different matrixes.

Hazuka said "with a bore you can't see either, you send the shaft down and though informative and deeper, it's a core and so you still can't see what you go through and like auguring you can't see until you go through it. So if the council and Kirkendall would feel better about setting a plan of exact spacing of the pits and then determine later if it's not needed in the field, then maybe we won't have to do that spacing. But when you look at something on paper and go out into the field it's always different and it's always best when you're out there to try to at least have the flexibility to add more holes or to move and dig in different places." Hall said she understands that but it would be better to start with some type of base level of expectations, how much will be done in a given area and room to modify that, based on what occurs in the field and have this written into the plan. Hall said having it written into the plan would be better because it will help to prevent discretionary problems on other plans in the future and also to prevent making value statements on one archaeological firm from another. Hall said this will help to keep things on an even level and if there are deviations in the plans when in the field that are necessitated by actual field results, then the consultation process will allow for those changes.

Hazuka Said the trenching will be recorded as regular inventory level recording, we need to have some kind of systematic survey or something along the course that shows where we plan to put the trenches, some proposal in terms of feet. Kirkendall said this situation should be approached in a little different manner than what is done in most linear projects. Kirkendall said for the testing on this we can be a little more flexible and she would start at wider intervals and then start testing in between those intervals because possibly along Haleakala Highway an original plan of more frequent testing may be reduced, on the other hand a longer stretch such as Hansen Road, we may start wide and realize basically we need to trench the whole area. Kirkendall said by adopting a flexible strategy of working from large to smaller, we may develop a level of comfort with this new technology or say you might as well trench the whole thing because you're going to wind up doing it anyway.

Kuloloio wanted to ask Kirkendall a question and said "the slips of Haleakala are this way, when we working sand dunes already we learning at Maui Lani how sand dunes are created by what way the winds are blowing and so forth, we know how deep the river bed rocks are at the Maui Lani area. From the width of the Waikapu slope all the way to the Kahului Harbor, 30-60 feet is where the south rock is under the sand dune, that is a fact. We learn from what's beneath the sand dune. My question is, is there a possibility of having any below surface remnants of old Hawaii history, because where we going now is not a sand dune, where we going now used to be surface. The surface of the old original kinds of stuff, going up to Haleakala is below the surface. Everything else was pushed down by the mud and is there possible findings of what we consider is sterile and non-sterile, in sand dunes what is sterile or non-sterile in the different make up going up to Haleakala. Two different things, so what I'm saying is I get kind of nervous and that's why I go with geology. In one hand I go on both, I go on geologist study and I go on archaeologist study so you have two comparisons that come together and give me the natural flow of where the in situ or the a'a is, the hard rock, the basalt rock is. What are the test units for, what is the purpose of the test units, because it defaults the purpose of trying to grasp something that is going to be the follow up of a trenching that isn't going to be visible."

Kirkendall said that is a very good point because she thinks that is the whole point that we're (Kirkendall and council) not comfortable with, that there isn't trenching and this is not inventory level testing, this is testing for an entirely different purpose. Kirkendall said she's assuming they have already done all their geological studies to which Hazuka answered no. Kirkendall said we will be able as an archaeologist to recognize overburden, alluvial as well as colluvial erosion that are above any cultural layer that may be there which is precisely why I am not comfortable with the technology because without some kind of trenching, we never will see that. Kirkendall said basically what you're (Sandwich Isles) proposing is to trench without trenching during the project. Kirkendall repeated how she felt uncomfortable with plowing but wants to remain as open minded as possible and would want as much trenching done as possible, but mentioned that they may as well trench all the way if that is what going to end up happening. Kirkendall said yes there is a possibility for pre-contact or historic sites along Hansen Road.

Hazuka said that because Hansen Road is sensitive she asked that the plowing to be done outside of Pu'unene and where the houses are still existing. Hazuka said granted some of the camps went over and across to where some of the cane fields are now. Hazuka said we'll (Hazuka and Chang) come up with a protocol but if they're going to be required to trench everything than there's really no point because we are trying to establish a comfort level and go to the 4 feet and see what's there.

Maxwell asked council for comments.

Minn said he thinks council will just have to wait and see. Hazuka asked if the protocol needed to be worked out with Kirkendall and certain IBC members and requested recommendation on how to proceed. Maxwell said he, Hall and Kirkendall could be consulted.

Hall moved and Waiohu second “a recommendation that the Chair, Vice-Chair and Council Member Kuloloio be consulted on the protocol of the test excavations on the Sandwich Isles Communications route proposed for plowing.”

VOTE: ALL IN FAVOR. The motion carried unanimously.

(Tape 2, Side B)

(Richardson and Kirkendall exit at 10:46 a.m.)

D. IMPLEMENTATION OF INTERIM AND LONG-TERM PRESERVATION MEASURES IN BURIAL PRESERVATION PLAN FOR SITE 4142, HONOLUA, LĀHAINA DISTRICT, ISLAND OF MAUI; TMK: (2) 4-2-004:031

Information/Recommendations: Status update, implementation of interim and long-term preservation measures, including access to Site 4142 by lineal and cultural descendants.

Rory Frampton of Chris Hart and Partners identified himself and said to date the burial preservation plan has not yet been implemented. Frampton said he has been in contact with the owners and has gotten approval to work out the issue of access to Site 4142. Frampton said there was a site visit with Marlene Ka’aihui and he will come back at IBC’s next meeting to give an update on the current status.

(This is a synopsis of what Rory Frampton said due to the fact that the cassette recorder did not pick up and record what was said by Frampton.)

E. NEW SANDHILLS RESIDENTIAL PROJECT, WAILUKU AHUPUA’A WAILUKU DISTRICT, ISLAND OF MAUI; TMK: (2) 3-8-007: PORTION OF 121

Information/Recommendations: Discussion of inadvertent burial discoveries and proposed mitigation for inadvertent burial discoveries.

Lisa Rotunno-Hazuka Archaeological Services identified herself and said there’s a lot of burials to discuss so she’ll try to make it as short and as informative as possible. Hazuka said the developer of New Sandhills is trying to move forward with either reinterment or preservation in place and there are a number of long-term preservation measures that go into the BPP to discuss. Hazuka said all the handouts look the same because they all share the same format with minor details and difference between each one which is what will be covered. Hazuka said Hall had comments on a few of the handouts that she (Hazuka) had brought to her (Hall) earlier.

Hazuka said “we had presented two (inadvertent discoveries) at an October meeting found on Lot 32 and Lot 57 but no write up was done for Lot 57. For Lot 32, this is the burial that was 8 feet above the proposed grade. It had been previously disturbed by an old sewer line and after intensive testing we finally found an in situ portion. The burial council said relocation could be done for this person but that it should be somewhere in the southern portion of Lot 32. Relocation will be at a deeper elevation somewhere in the southern portion. The problem we’re having with Lot 32, like we’re having with Lot 57 is that the sewer lateral comes in that area in the southern portion, so what we’d like to do is preserve this burial in the northeast

corner in the back of the lot as opposed to in this little radius here. The sewer lateral comes up here which is the HRT commercial property that runs along this whole back area right here.”

Maxwell asked when you say commercial property, what does that mean? Hazuka said it means the property will have commercial development like a Safeway or Medical building. Maxwell asked if this burial was going to be in the lot to which Hazuka said yes. Hazuka said at the last meeting she tried to show council the buffers, there is a 10 foot buffer in the back property line and 5 foot along the front of the burial that’s in the southern portion. Hazuka said she also requested a 4 X 4 feet area that has an additional 5 feet on one side and an additional 10 feet on the other. Hall said because of the clarification of the sewer lateral location, it just makes more sense to move this burial into the back of the lot to which Hazuka said yes.

Maxwell asked how far is the commercial lot away from this reinterment location. Hazuka said it’s not very far and Maxwell said if we’re just talking about feet than lets just place the burial on the commercial property so that it can be given a bigger buffer zone. Hazuka agreed and said she just never thought about doing that. Naeole asked if you know what the plans are for the retaining walls or are they large concrete barriers to which Hazuka said “that is a good question, they (HRT) didn’t say what it would be but we know that it won’t intrude onto this property, because if the privacy wall is built by HRT than it has to be on their lot. But what we did allow for in the buffer zone was within a couple feet a boundary wall or privacy fence could be installed by the lot owner. But to answer your question, no I do not know what is proposed there.”

Hazuka read from her handout “find spot 80 which is what we’re talking about for Lot 32 be relocated at a deeper depth in the southern portion of this parcel and this reinterment area shall also be marked by a stone platform marker on the surface.” Hazuka said that she wanted to change the language from “southern” to “northeast” corner of Lot 32. Hall asked if find spot 80 has already been disinterred to which Hazuka said yes.

Hall moved and Minn second “based on information that a sewer lateral will be located in the southern portion of lot 32, the Maui/Lana’i Island Burial Council recommends that find spot 80 remains be reinterred in the northeastern portion of the property.”

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka asked the council to go to Lot 57 in the handouts because that has the same type of problem as Lot 32 and said “in the same October meeting if you recall we had Road E which has find spots 77A-E there was quite a bit of discussion on whether to relocate the burials. It was finally decided that the burials of 5 individuals in Road E be relocated into the eastern corner of lot 57.” Hazuka identified the location of the sewer lateral within lot 57 and said instead of the eastern corner of lot 57 we would like the northwestern corner of lot 57. This would move the reinterment area towards the opposite end of the lot away from the sewer lateral which is currently coming through the present reinterment area.

Hall moved and Minn second “that based on the information on the location of the sewer lateral for lot 57, the Maui/Lana’i Island Burial Council recommends that the remains of find spot 77A-E be reinterred in the northwestern corner of this property.”

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka said Lot 16 has a burial which was also discussed in the past. It's on a single sheet of paper that was handed out and has find spot 68. Hazuka said "if you (council) recall that FS 68 consisted of previously disturbed remains that were going to be reinterred into the slope. As more testing was done into the slope, two more in situ individuals were discovered. What we have at FS 68 is approximately 4 previously disturbed individuals and 2 in situ individuals, that probably came out of the dune area between Lots 17 and 16 of is this upper slope. Council recommended that a crypt be built, it will be a CMU block wall with a footing that faces into the dune and place the remains of 68 in there. This crypt goes around the in situ portion and the other disturbed remains from 68 will go in there. Council also recommended that the displaced remains found at FS 69 on lot 19 to also be reinterred in this crypt area." Maxwell said but separated and Hazuka said yes, separated and wrapped separately.

Hazuka said a human tooth was found on lot 1 and designated find spot 90 but she is unaware of where the tooth originated. Hazuka said "we also have 6 human skeletal remains that were found spread out in lot 21 which is FS 81. Those do not belong to an in situ individual and they looked to be previously disturbed. I thought we could ask the council if those remains as well could be reinterred with the remains from lot 16. The crypt is going to be about 10 feet by 10 feet wing walls that will go into the dune and it will be about 4 feet high with lots of space for the reinterment particularly because they're all relatively small amounts of remains. So it will be 68 A, D and E, FS 90 which is one tooth, FS 81 which is like a fibula fragment, two long bone shafts and some other unidentifiable remains and the remains from FS 69 which was decided at the last meeting to also be placed in this crypt.

Hall asked what does FS 69 consist of, to which Hazuka said she can't recall at this moment but she knows that it was a very little amount of human skeletal remains. Hall asked about FS 68 A, D and E to which Hazuka answered FS 68 A, D and E are the collected displaced remains and B and C are the in situ portions. Hall asked if you know where these originated from to which Hazuka said no but we presume that A, D and E originated close to B and C. Minn asked if the in situ remains are going to be within the crypt, to which Hazuka said yes we're going to build the crypt around the in situ now, we weren't before but now we are since discovering the in situ burials. Minn asked if anymore burials were found to which Hazuka said no and I hope we don't find anymore because we're starting to do some electrical work and water lines still need to be put in, but there is still some offsite work that needs to be done.

Hall moved and Waiohu second "the Maui/Lana'i Island Burial Council recommends that human skeletal remains of find spot 68 A, D and E, find spot 69, find spot 81 and find spot 90 be reinterred in a crypt which will be constructed to preserve in place find spot 68 B and C."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka readdressed a question asked by Minn about possibly finding more remains and said "we were digging in this area and this is a drainage easement where we had a 10 foot excavation done. Here there is an old sewer line which is poking through this easement. In this easement it's 10 feet deep, there's 4 feet of fill and only 6 feet of original material. Within that fill the remains of three individuals were found that were also previously disturbed."

Hazuka said the discovery was of three mandibles found in sand fill. Hazuka said “because we only know that they came from somewhere within this area, the thought is to reinterr them on lot 24 in the back of the slope, because lot 24 is a very small lot. If you see all these lines here, that is the slope and this white area here, this is the only usable area of lot 24. So we thought that we’d do another crypt if the council wanted so that it would be marked on the surface and then put the remains from 92 into the crypt.”

Minn asked if that would be at the same level you found them (burials) in, to which Hazuka answered yes because it would probably look nicer that way. Naeole asked if what you want to put in this crypt are the three mandibles that were found to which Hazuka said yes, but not just mandibles. Hazuka said there’s probably one full person represented in the assemblage, approximately half of the second person and only a little of the third but the reason we knew we had three individuals was because we had the three mandibles. Hazuka said all the collected remains and the three mandibles will go into the back slope area of lot 24. Hazuka said she needs to know if another crypt would be needed because if lot 24 is going to be sold, people want to know if reinterred remains are going to be on that lot. Hazuka said that’s why there’s such a push right now because people are looking at lots and putting their money down and they don’t know if there’s going to be burials on them or not. Hall said that is where the burials were found. Hazuka said yes they were found in this drainage easement here, but the burials could have been pushed over from Sandhills which is very likely what had happened. Hazuka said there is a layer of fill that goes up this slope that has to do with the sewer line which does go onto Old Sandhills. Maxwell asked if a crypt could be put there. Hazuka said yes another crypt could be put on lot 24 that would be similar to lot 16. Hall asked if a crypt was really necessary or if a surface platform would be sufficient. Hazuka said she didn’t think a crypt was necessary but she also didn’t think a surface platform could be done because of the 2-1 slope. Hazuka said the only reason she mentioned the crypt was just to have some form of surface marking otherwise the remains could be reinterred very deep and a free standing sign with the site number and a plaque could be placed as a surface marking.

Maxwell asked what are council’s feelings? Hall said she would prefer to have a marker to which Hazuka said that can be worked on and suggested a big boulder where part of the boulder would stick out of the ground. Hall asked if there would be a retaining wall. Hazuka said no. Naeole asked how much of the individual will go inside. Hazuka said there’s going to be two pretty big bundles. Minn asked if any landscaping would be done. Hazuka said yes she thinks they’re (owners) going to do the jute netting with some kind of ground cover. Maxwell said there should be some type of marker. Hazuka agrees with Maxwell but is trying to determine what kind of marker will be used or done. (The idea of reintering the remains deep into the ground and having a free standing sign resurfaces and seems to be the general consensus.) Hazuka said we’ll have a free standing sign the landscaping can be done around the sign and that people will know that’s the area marker. Maxwell says okay let’s do that and asks Hall if she wants to motion. Hazuka interjects and says the details can be work out on what’s going to be marked on the surface, are these remains going to be reinterred on the lot that is imminent right now.

Hall said “here’s the thing, does it have to be on that lot or is there a flat area on one of the adjoining lots that the remains can be reinterred. Hazuka said lot 23 is next to lot 24 and has a little more space but not much, lot 25 is really narrow and both are very small lots. Hazuka said she thinks they could figure out some sort of way to just mark the gravesites.

Hall asked how many would you have. Hazuka said we can look at lot 52 and council has seen this lot before. Hall asked if the lot we were just talking about was lot 24, Hazuka answered yes and Hall said I was thinking somewhere up in here. Hazuka said "lot 52 is located in Sandhills and had the remains of a child cranium and one long bone shaft that was found in a disturbed context and there was also an in situ individual here in between lot 51 and 52. The articulated in situ person will be preserved in place and the remains of the child would be reinterred with the individual and the proposed buffers are going to have a 4 X 4 foot platform over the in situ and reinterred remains. But there's only a two foot buffer proposed outside of the platform and this is because it's a golf course lot. The house will likely be situated in this area here and so you would need a smaller buffer for a house. If for any reason we put a crypt, there would need to be a 6 foot buffer from the middle of the crypt. The last time I came before you (council) we were pulling from the center of the platform and not from the corners. So you have 4 feet of a platform with 2 feet on either side, so it's a total of 8 feet." Hazuka said "the difference when I presented this last time was that I had proposed a radius. Now of course on this side here you really do have more of a buffer, on the boundary line of lot 51 you have a greater buffer because of your setback, but I didn't draw that in exactly." Hall said we will be recommending preservation in place and asked if the remains of the child were collected to which Hazuka said yes. Hall asked what is this find spot? Hazuka said FS 73 is the child and FS 75 is the adult and this is on lot 52. Hall asked where is the reinterment location for the remains to be preserved in place. Hazuka said it is centrally located along the boundary line between lot 51 and 52, but the burial is on 52.

Hall moved and Waiohu second "that the Maui/Lana'i Island Burial Council recommends preservation in place for find spot 75 and the reinterment of find spot 73 remains adjacent to find spot 75 in the southern portion of lot 52."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka said "the next lot is 63 this is find spot 78 A and B. 78 A was disturbed during construction, 78 B was still intact in the pit. We did find remains of 78 A within that same pit of B, in other words they were buried together. We have the collected remains and we would like to reinter those remains back into the pit. Which is marked by the platform here on this burial and then you have the driveway access here. We're proposing a platform that's 4 X 4, a 2 foot buffer on each side of where the driveway is and 5 feet on the north and west side. The buffer zones for these burials will be measured from the outer edges of the platform and each side shall have a 5 foot buffer with the south and west side having a 2 feet buffer. So the total buffer would be 5 feet plus 4 feet plus 2 feet which is 11 feet. And we are requesting preservation in place for 78 B and reinterment for 78 A."

Hall asked if this location is governed by the in situ find spot to which Hazuka answered yes it is and that find spot is 78 B. Hall asked what front portion of the lot is this in, to which Hazuka said is the northeastern quadrant.

Hall moved and Waiohu second "that the Maui/Lana'i Island Burial Council recommends preservation in place of find spot 78 B and the reinterment of

human skeletal remains of find spot A adjacent to find spot 78 B in the northeastern quadrant of lot 63."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka said "lot 45 is one we talked about before that has a burial near the driveway area and council's position was to leave the burial in place and work out the driveway and work out the gate which is what we're trying to do. I was told we could do that while Renee and I was out there trying to build our crypt, but it's not exactly working the way we thought it would on paper. I'm fairly certain this can be worked out, I'm just thinking of the people in the field right now don't have the vision that we have. We did reinterment so far at New Sandhills, we have done road C which is where the median was built around the burials. We have done that reinterment, Kuloloio and Hall were there. We also did a reinterment at lot 43 which is another one of those HRT lot burials in the back, in the northeastern corner." Hall corrected Hazuka and said the burial is not on the HRT lot it's on the boundary line adjacent to the HRT lot.

Hazuka said there are two reinterments scheduled for tomorrow, one is this lot 45 and the other is lot 93 find spot 71 that was not discussed today, but was discussed at an earlier meeting. Hall asked if the council had already made a recommendation to preserve in place the burials of lot 45 to which Hazuka answered yes. Hazuka changed her mind and said no to Hall's question because she hadn't seen the minutes but actually she does recall being asked to work out the details of lot 45 but whether a formal recommendation took place both Hall and Hazuka weren't sure. Hall said prior to reinterment there should be a recommendation to which Hazuka agreed to but expressed her concern that if she had got out there and things really didn't work. Hazuka said maybe we should do this one and tomorrow also lot 93 find spot 71, we already said this will be preserved in place. Hazuka said the council agreed to that but she wasn't sure if there was a formal recommendation on that one either. Hazuka said that one will have a 10 foot buffer around and a 4 X 4 foot cap and platform and a 10 foot buffer around the outside of the platform. Hazuka suggested that for find spot 71 and find spot 86 and 87 which go in lot 45 that a recommendation be made for these like it was made for the others.

Hall moved and Waiohu second "that the Maui/Lana'i Island Burial Council recommends that find spot 87 be preserved in place and that the remains of find spot 86 be reinterred adjacent to find spot 87 in the southwest corner of lot 45"

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hazuka said lot 93 find spot 71 is an in situ individual in the northwest corner and preservation in place.

Hall moved and Waiohu second "that the Maui/Lana'i Island Burial Council recommends that find spot 71 be preserved in place in the northwest corner of lot 93."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Council went back to address lot 92 which had burials found in the drainage easement. Hazuka said if you're (council) worried about the slope, it (skeletal remains) can go in the flat of lot 24 but there wouldn't be a buffer, there wouldn't be a big buffer. Maxwell said we should have a buffer to which council agreed. Maxwell said this is the one we want deep right, to which Hazuka said yes this is the one we talked about. Maxwell said let's do that so we avoid erosion and other possible disturbance.

(Tape 3, Side A)

Hall said "that's the reason why I'm kind of reluctant about the reinterment on this lot (lot 92) because I prefer to have as many burials as possible within this development be preserved in a like manner. You know we have an unusual circumstance like the one in the traffic island that was created, but that one is going to be very clearly present for everybody and I'm not worried about that being lost over time as a burial. You have the crypt in the side of the hill, but everything else is going to be preserved with a platform as a surface marker. I don't want to create an exception where we do something different for this burial site and over time, this site location may be lost. Even if the site is on deeds and everything else, it still can be lost." Maxwell said you have to realize that everything is done on a case by case way to set precedence. Hazuka suggested a reinterment location which was agreed on by council. Hall asked for the direction of the reinterment location to which Hazuka answered is the northwest corner. Hall then asked for the details on what would be placed there to which Hazuka said will be the collected displaced remains of a minimum of three individuals from find spot 92.

Hall moved and Waiohu second "that the Maui/Lana'i Island Burial Council recommends that find spot 92 human skeletal remains consisting of a minimum of three individuals be reinterred in the northwest corner of lot 44 and that a surface marker platform be constructed over the reinterment site."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hall said this way there's real consistency throughout this process. Hazuka said sure, so every time people see a surface platform they know.

F. DRAFT BURIAL PRESERVATION PLAN FOR SITE 5405, KALIHI AHUPUA'A, HONUA'ULA, MAUI; TMK: (2) 2-1-004:046
Information/Recommendation: Discussion of proposed draft burial preservation plan for Site 5405.

Lisa Rotunno-Hazuka said she was so exhausted after working on item E of the agenda that she did not have time to finish item F. Hazuka said there is a working draft, the reinterment was done yesterday (04/27/05) at the Schatz property. Hazuka asked Hall and Maxwell if they remembered the remains from this situation, they concurred. Hall said these were old individuals, in situ portions that were improperly disinterred by Alan Hong's Firm. Hall said that the owners of the property are very respectful and were happy to help and that the remains were reinterred in the exact trench from where they were taken. Hall said there's going to be a platform built and the sign for the platform is

ready. Maxwell said plus there was a Kupuna who gave awesome advice, Hall mentioned the Kupuna's name was Marie Olsen. Maxwell told Hazuka to bring her draft preservation plan to a future meeting.

G. CASE UPDATES/OTHER INADVERTENT DISCOVERIES

Information/Recommendations: Inadvertent burial discovery at Wai'ehu Golf Course, Wai'ehu Ahupua'a, Wailuku District, Maui (TMK: 3-2-013:por 006); Inadvertent burial discovery along shoreline makai of Kana'i Place, Wai'ehu Ahupua'a, Maui; King Kamehameha III Elementary School Monitoring Project, Puakō Ahupua'a, Lāhaina District, Maui (TMK 4-6-002:012, 014); Hotel Hāna Maui Irrigation Installation Project, Hāna District, Maui (TMK 1-4-004:002).

Lisa Rotunno-Hazuka on the subject of *inadvertent burial discovery at Wai'ehu Golf Course* said 'Aina Excavation was doing some installation of two anchors and a pole for Verizon at Wai'ehu Golf Course and it was not a monitored job. Hall interjects and said that SHPD did not require a monitor. Hazuka continued to say no monitoring was required for the installation of the pole and anchors and they ('Aina Excavation) dug their first anchor which is always about 7 feet deep and 2 feet in diameter and hit human skeletal remains. Hazuka said 'Aina Excavation called her and she called Kirkendall who went out and did a field inspection. Hazuka said she and Hall went out to the field later and that Kirkendall told 'Aina Excavation that they would have to monitor the rest of the route. Hazuka said "Aina Excavation called me and asked if I could go back out to the field to do the monitoring. We went out there and the skeletal remains were inside of the hole in the side wall. So 'Aina Excavation needed to wait while we excavated on the outside of this hole and identified skeletal remains of an adult. Subsequently we monitored when they dug the next telephone pole next to this anchor, we collected those remains by the way and so the remains in the first anchor were previously disturbed. There's an access road that runs along the power line and it seems like it might have gone right through and pushed the remains around. There were some long bone shafts and 43 teeth which indicate that there must be another person in the area. That was the first individual, it was found in a previously disturbed context and the remains were collected. They put the anchor in, the pole was excavated next to the anchor that was excavated by hand and nothing was found. The pole went in."

Hazuka said "then we monitored a anchor further away which was on a steep slope that was very heavily vegetated with some sand stone. They did do that by auguring and skeletal remains were found in that back dirt. So excavations were stopped again." Naeole asked where is this located exactly to which Hazuka said "it's on lower Wai'ehu Beach Road where you can go into that entrance, if you follow that road up it's right near the maintenance building." Hazuka said the second one was up higher and Hall said if you go on the road past the maintenance building on the lower level and then as it crosses it's on the makai side of the slope. Naeole asked if that was the area where we recovered something already to which Maxwell said no we recovered on top. Hall said she'll let Hazuka finish her description of what was found first but, mentioned one of the issues that council had with the inventory survey that was done was that near the maintenance building there was not very much subsurface testing.

Hazuka said now again these remains are in the side wall of the trench and they look like they are articulated or may be in situ. But we are working on that; we've expanded a test unit around the edge of the hole and we're taking that down and looking for more skeletal remains. Hall said there's one more finding, a cranium was spotted in another location on the opposite side of the road in the vegetation. Hazuka said that could have been caused by erosion.

Kuloloio said you know where they dug the puka they plan to put the pole in right? Hazuka said she doesn't know if they're going to put the pole in but, yes they did dig a hole and the puka is there. Hazuka said she doesn't believe they'll be able to put the anchor in, if the person is in situ next to it and she isn't sure how that's going to work. Hazuka said the first hole, those remains were displaced so we collected them. Kuloloio said prior to anything whether the anchor goes in or not, that's the place to rebury in the future, meaning you're going to have to put the remains back so you should put the remains back in the same hole to which Hazuka concurred.

Maxwell asked if the remains were removed from the wall. Hazuka said yes we always remove and collect what is displaced and clearly displaced, but if its sort of anatomically correct and looks like it was just pushed a little, then we won't remove it.

Inadvertent Burial Discovery along shoreline makai of Kana'i Place, Wai'ehu Ahupua'a, Maui.

Hall said this matter was discussed briefly at the last burial council meeting and I just wanted to note, because it wasn't noted at the last meeting in the draft minutes, that Kirkendall had called me and we had gone out to look at this inadvertent burial discovery along the Wai'ehu shoreline. Kirkendall was not able to recover the burial, but because it was already exposed in the low shoreline bank and the tide was rising, there was considerable concern that the burial could be eroded by wave action. So I called Hazuka and Hazuka and her crew spent two days recovering what turned out to be an adult and an infant child that was within the bank. And it was amazing because there's a local surf break out there at Paukukalo called Big Lefts and a lot of Hawaiians and local people from the area surf there. It was interesting to me to watch the reaction of people going by because the person who found or called about it whose name is Kaulana is related to Ross Ka'a'a, he's the nephew and he's studying to be an x-ray technician. Kaulana had taken a class with Theresa and he saw a bone that he'd recognized from his text book and realized what it was and called it in. Anyways the people in that area were very respectful for the most part and it was just a beautiful day with nice waves, clear skies, and Kohala visible behind the surfers. Maxwell thanked Hazuka for her help.

King Kamehameha III Elementary School Monitoring Project, Puakō Ahupua'a, Lāhaina District, Maui TMK 4-6-022:013, 014

Hall asked Waiohu if he helped with the reinterment to which Waiohu said yes and Erik Fredericksen was also there. Hall expressed her gratitude.

**Hotel Hāna Maui Irrigation Installation Project, Hāna District, Maui
TMK 1-4-004:002**

Hall said she doesn't think reinterment has occurred yet and that Erik Fredericksen will contact Mike Minn.

IV. ANNOUNCEMENTS

Hall announced that Howard Hanzawa a former engineer for the county now works for SSFM Engineering and Howard has a proposal that SSFM has turned into the county to do horizontal directional drilling along Maalo Street going towards the Kahului Community Center and suggested that council have Howard come in at a future meeting to do a presentation. Maxwell said he would like to direct the vice-chair to write Howard Hanzawa a letter but Hall said she didn't think a letter was necessary. Hall said we (council) should just put him on the agenda. Hall said they apparently have the technology to construct a 36 inch drain line and it was agreed by the council that Howard Hanzawa must come and do a presentation.

Maxwell announced and introduced Kathy Kawelu and said she attends UC Berkeley with a study in Archaeology. Maxwell said Kawelu is at today's meeting because she wanted to see how the burial council works and her mother is Luana Kawelu with the Merry Monarch Festival, aunty Dottie's granddaughter.

Minn moved and Kuloloio second "to adjourn today's meeting at 12:55 p.m."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Respectfully Submitted,

Kawika Farm
Clerk Stenographer II
State Historic Preservation Maui Annex